

Challenges in addressing the loss of weapons in peacekeeping operations: lessons from Darfur

Ambassador Abiodun Bashua (Nigeria)

(Former Joint Special Representative of the AU Chairperson and UN Secretary-General, AU/UN Hybrid Operation in Darfur)

1. Considerable attention has been paid to the exploration of the loss of weapons by peacekeepers in peacekeeping operations. Particular attention has been paid to Africa, given the negative impact of weapons loss on the effectiveness, capacity, credibility, and relevance of peacekeeping forces in the many conflict situations on the continent. Efforts in this important area are currently being led by the Small Arms Survey, which defines such losses as ‘diversion’. The purpose of this paper is to enhance knowledge in this area by addressing some of the challenges I experienced first hand on this subject, based on my field experience in Darfur.
2. The loss of weapons in peace operations is classified by the Small Arms Survey as ‘diversion’, defining it as the ‘unauthorized change in possession or use of military materiel (arms, ammunition, parts, and explosives) from holdings or transfers, occurring domestically and internationally’. This definition appears to be very loaded and may be subject to different interpretations. For the purposes of this paper, therefore, I will stick to the term ‘loss’ of weapons.-
3. UN Security Council (UNSC) Resolution 1769 (2007) established the AU/UN Hybrid Operation in Darfur (UNAMID) after extensive consultations and negotiations between the AU Commission, the UN, and the Government of Sudan (GoS). The mission took over the functions and operations of the AU Mission in Sudan (AMIS), which operated in Darfur from late 2003 until the end of 2007, when it transitioned to UNAMID.
4. On 31 July 2007, after many months of negotiations among the AU, UN, and GoS, the UNSC unanimously adopted Resolution 1769 (2007), which authorized the deployment of a 26,000-strong AU and UN ‘hybrid’ peace operation (UNAMID) with the objective of resolving the Darfur conflict.
5. The resolution provided that ‘UNAMID is authorized to take the necessary action, in the areas of deployment of its forces and as it deems within its capabilities in order to’, among other things, ‘protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers’. It also provided for the protection of civilians, ‘without prejudice to the responsibility of the Government of Sudan’.
6. Furthermore, UNSC Resolution 1769 provided that ‘UNAMID shall incorporate the AMIS personnel and that the hybrid operation should have a predominantly

African character and the troops should, as far as possible, be sourced from African countries'. These provisions set the limits of troop generation for the mission and, in some ways, were partly responsible for the initial failure of UNAMID to be robust and effective in protecting its personnel and equipment, and averting the massive loss of weapons that occurred during this early period.

Loss of weapons by peacekeepers in Darfur

7. The loss of weapons by peacekeepers has been rampant in Darfur since the days of the AMIS operation (2004–07). During this operation significant numbers of weapons were frequently lost to rebel groups and government-allied militias, with the most significant losses occurring in Tine (2005), Abdel Shakur (2006), and Haskanita (2007). In addition to the significant loss of weapons, materiel, and ammunition, ten AU peacekeepers were also killed during the attacks.
8. While the attacks and loss of weapons were initially partially blamed on the lack of adequate capacity of AMIS forces, UNAMID troops did not fare better, despite their superior equipment and capacity. In fact, in the first few years of its operations between January 2008 and June 2014, attacks on UNAMID peacekeepers and the loss of weapons were equally frequent, to the extent that they became the butt of jokes and ridicule by national and international stakeholders, including the GoS. At some point the GoS requested the UN to withdraw some UNAMID contingents based on the unsubstantiated allegation that some of them were not robustly defending themselves because they were 'deliberately handing over weapons to rebel groups'.
9. Between 2008 and 2014, in addition to suffering many fatalities, UNAMID peacekeepers were attacked or ambushed 38 times and lost 73 weapons, 8,507 rounds of ammunition, 74 other pieces of equipment, and 34 vehicles. Perhaps a more significant and damaging consequence of the frequent attacks and losses of weapons was the diminishing confidence among the civilian population in the peacekeepers' ability to protect them, as the UNSC mandate required.

Rules of engagement for UNAMID forces

10. On the basis of the provisions of UNSC Resolution 1769 (2007), a comprehensive and detailed set of rules of engagement (RoE) were issued as guidance for UNAMID forces operating in Darfur. These RoE were jointly issued in September 2007, and the AU Commissioner for Peace and Security and the UN Under-Secretary General for Peacekeeping Operations still use them.
11. The RoE provide the authority for the use of force—up to and including deadly force—and also set out the policy, principles, responsibilities, and definitions

relating to the use of force. Furthermore, they delineate the parameters within which UNAMID military personnel deployed in Darfur may use force.

12. The RoE provide, among other things, for the use of force in self-defence and authorize military commanders 'to take all necessary, reasonable and appropriate action for self-defence, including pre-emptive self-defence against an anticipated attack from potentially hostile forces'. In situations other than self-defence, they provide for the use of force in the protection of UNAMID personnel, equipment, installations, and assets. Furthermore, they authorize the use of force to assist in the protection of civilians under threat 'without prejudice to the responsibilities of the Government of Sudan'. In short, the RoE require a very robust and proactive posture and response by peacekeepers, at least in the instances cited.

Causes of loss of weapons by peacekeepers

(a) Non-adherence to the rules of engagement

13. The reasons for the frequency of attacks targeting peacekeepers are many and varied. Perhaps the most significant and obvious one relates to the failure of peacekeepers to act in accordance with their RoE. As noted above, the RoE state that peacekeepers must act in all situations where there are attacks or imminent threats against civilians, as well as act in self-defence, if and whenever they are attacked, by using 'all available means, including the use of force'. While they are clearly authorized to use force, however, at least in the circumstances cited (among others), most of them failed to do so during the period under review.
14. It is very difficult to understand or explain this major failure of contingents from some TCCs to comply with the RoE. Explanations offered have included arguments that some of the peacekeepers were not made sufficiently aware in their pre-deployment training that they were to respond with force when under attack; or that they lack the professional competence and capacity to act. Some failed to act because they are from countries whose governments have close cordial relations with the GoS, and perhaps felt that shooting at Sudanese citizens, under any circumstance, might strain such relations.

(b) Inadequate combat readiness

15. The fact that some contingents are not 'combat ready' also contributes to attacks on their convoys and patrols. Because of their previous inadequate responses to attacks, some contingents were targeted because they were considered to be weak and, therefore, became easy targets to prey on. It also appears that some contingents do not seem to understand the risks involved in providing security for patrols and do not know what to do in case of attacks by hostile forces or groups.

16. It is not very clear, given the gradual generation of forces for AMIS, how much pre-deployment training for a hostile environment was provided for its personnel. Similarly, there was no evidence that the request from the UNSC for the forces incorporated from AMIS into UNAMID to be provided with post-deployment awareness training was ever fulfilled. Consequently, although operating under a new and strengthened mandate, there is no indication that the combat readiness and mindset for robust engagement among AMIS troops in UNAMID changed significantly in the first few years of the mission.

(c) Quality and calibre of weapons/equipment

17. It should be recalled that one of the major reasons cited for the inadequate effectiveness of AMIS was the obsolete and poor quality of the weapons that its troops and contingents had been allocated. Old and non-serviceable equipment such as armoured personnel carriers provided by some contingents impeded their capacity to respond robustly when ambushed or otherwise attacked.
18. While many of the initial new contingents deployed in UNAMID had better weapons and equipment than AMIS, the situation did not change dramatically for the better. This was because the calibre of most of the weapons that the various contingents brought to Darfur required authorization and permission from the GoS, which were frequently not forthcoming. It is even more disheartening to note that the calibre of weapons that most of the contingents are allowed, such as 7.62 mm machine guns, are inferior to those used by some militia groups, most of which have 12.7 mm machine guns (as is evident from various reports of attacks on and ambushes of peacekeepers).

(d) Operating environment

19. Darfur represents a particularly challenging operating environment. Despite being a Chapter VII-mandated mission, for example, UNAMID has to notify the Sudanese authorities in advance and request approval for its operations—particularly patrols—before they can be undertaken. Such sharing of pre-determined patrol routes and the direction of movements creates security challenges, because this information may end up in the hands of unauthorized third parties, including militia groups or rebels.
20. Most of the ambushes of peacekeepers that occurred were carried out not only by rebel groups looking for weapons to stock their armouries for attacks on GoS forces, but also by government-allied militias for banditry and criminality purposes. In almost all cases, while it was fairly easy to determine the perpetrators of attacks by particular rebel groups, investigations into those carried out by government-allied militias were limited due to the denial of access by government forces to locations where investigations were required.

21. Another major constraint was the use of tactical helicopters. Although UNAMID was authorized to have 18 tactical helicopters in its fleet, it took more than three years to get any country to agree to deploy them to the mission. The helicopters were intended to facilitate and enhance the mission's ability to pursue attackers whenever necessary and for other urgent assignments, given the very poor state of road infrastructure in Darfur. However, when a neighbouring country finally deployed the Tactical Helicopter Unit, the GoS imposed a 48-hour notice of intention to use the unit's helicopters on the mission. Subsequently, the unit—which stayed in Darfur for more than a year—was never really useful and the donor country ultimately withdrew it.
22. Even in cases when peacekeepers appropriately defended themselves and killed some of their attackers—and ID cards found on them were handed over to host authorities—the GoS restricted further investigations. The outcomes of government investigations, if any, were never disclosed or communicated to the mission. Medical evacuations of critically wounded and deceased peacekeepers also required approval by the host authorities and sometimes took days to be granted. Government-imposed constraints on the capacity of UNAMID to effectively implement its mandate, including by not providing the necessary approvals for patrols and weapons, arguably constitute the single most important reason for the spate of attacks and losses of weapons.

Disciplinary actions taken against erring peacekeepers

23. Under UN peacekeeping rules and regulations, the head of mission establishes a board of inquiry (BoI) composed of uniformed officers and civilian staff to investigate and determine responsibility after any and every attack on peacekeepers. The BoI reports back and the head of mission subsequently sends recommendations to UN headquarters (HQ) for further necessary action, because under extant rules, erring peacekeepers can only be sanctioned or punished by their home countries. Such reports are then forwarded to the relevant TCC concerned for follow-up and disciplinary action.
24. Actions against erring peacekeepers have usually ranged from recommendations for repatriation to appeals to authorizing bodies (such as the UNSC or AU Peace and Security Council) to put pressure on the GoS to facilitate the effective implementation of the mission's mandate through the lifting of restrictions, the removal of denials of access, and the reduction of long delays in Sudanese customs procedures to clear contingents' equipment. Experience showed that such appeals fell on deaf ears.
25. Unfortunately, in the early years of UNAMID most of the BoIs' recommendations were never implemented, particularly those relating to the repatriation of erring

peacekeepers. There are two main reasons for this state of affairs: the challenge of force generation and the politics in the countries of erring contingents. The capacity of the UN Department of Peacekeeping Operations (DPKO) to generate troops for peacekeeping operations remains limited, even today.

26. It was not possible to take effective disciplinary actions at the time under review because most of the erring contingents came from either regionally powerful countries or major troop contributors to UN peacekeeping operations. There was at least one instance when the head of state of an erring contingent threatened to withdraw all his country's troops from UN peacekeeping operations *globally* if the erring troops were sent home. A similar situation was repeated in South Sudan in 2016, when a major troop contributor withdrew all its troops because one of its nationals who held a command position in the mission was found to be negligent in providing sufficient command and control directives to protect civilians, including UN staff, from rape and other attacks by government forces. Failure to discipline erring contingents for such reasons affected the general morale of the troops on the ground, and partly accounted for the frequency of attacks and massive losses of weapons by peacekeepers during the period.
27. The situation in UNAMID has, however, changed since late 2014. This is because the then-acting head of mission and force commander mutually agreed that strong recommendations would be made to UN HQ for the immediate repatriation of troops who failed to act robustly in accordance with the RoE either in self-defence or to protect civilians seeking protection from attacks by militias or other hostile forces.
28. Between November 2014 and October 2015 at least five erring contingents were repatriated and replaced by troops from the same countries. This action had an immediate positive impact, because contingents whose members had earlier failed to defend themselves became more robust and not only defended themselves, but also inflicted fatalities on their attackers. Morale was also raised.

Current state of attacks on peacekeepers in Darfur

29. Since December 2015 there has been a considerable decline in the frequency and nature of attacks on peacekeepers in Darfur. Indeed, while there were a few minor attacks in 2016—which were successfully repulsed—there was no attack at all in 2017. The reasons for this change of fortune are many and varied.
30. A decision taken in late 2014, and continued by the mission leadership, to repatriate peacekeepers who failed to adequately defend themselves was a critical factor. Non-performing contingents were repatriated, including those from an important regional power. Robust and aggressive self-defence by peacekeepers

as a consequence of the new policy, such as was witnessed in attacks in Kass in the first half of 2015, was a game changer and signalled to the attackers that their days of random attacks and seizures of weapons were over.

31. At the peak of the attacks on peacekeepers, some of the militias were restless and resentful of the GoS for not sustaining the (political, financial, and logistical) support that was initially provided or promised to them in view of the role they played in fighting proxy wars for the government. Realizing that the Sudanese army was finding it difficult to contain military incursions by the armed movements operating under the auspices of the Sudan Revolutionary Front, the GoS took advantage of the situation to address both challenges. It created the Rapid Support Forces (RSF), which was mostly made up of so-called Arab militias. Those comprising Northern and Southern Rizeigat and Border Guards (who had been the main perpetrators of the attacks on peacekeepers) were recruited and absorbed into the RSF to reinforce the GoS's military efforts in Blue Nile, South Kordofan, and, later, Darfur. This policy mopped up most of the potential attackers targeting peacekeepers, thus reducing the incidence of attacks against UNAMID.
32. With the significant degrading of military activities by the armed movements and the militias' active involvement in counter-insurgency through the RSF, the possibility of major attacks against peacekeepers was considerably reduced, with the exception of criminal attacks (such as abductions, kidnappings, and carjackings), which are also on the decline.

Suggestions for addressing the challenge of attacks on peacekeepers and related losses of weapons

33. As noted above, based on extant UN rules, all incidents are investigated through the establishment of a BoI made up of military and civilian staff for each and every attack or ambush. Both the mission and DPKO HQ take these reports and recommendations seriously. On the basis of these reports and first-hand experience in the Darfur conflict, the following are some suggestions for preventing the loss of weapons by and mitigating attacks on peacekeepers, not just in Darfur, but in all peacekeeping missions.
34. Better orientation of peacekeepers in terms of combat readiness, particularly patrolling and convoy security, both during pre-deployment in their home countries and continuously in-mission. Such training must be mission specific, because what works in Sudan might not be appropriate elsewhere. It is also essential that deployment and orientation training should be carried out continuously in-mission, as appropriate.

35. Immediate repatriation of erring contingents after investigation to deter others and enhance robust patrolling and response to attacks. Due to the negative impact of the failure to punish erring contingents, many others did not consider it imperative to fully comply with the RoE, either to protect civilians under imminent threat or in self-defence, until the UNAMID leadership began in late 2014 to consistently repatriate contingents that failed to act robustly. The impact of this has been positive: there has been a noticeable drop in the frequency and nature of attacks on peacekeepers. Peacekeepers are now fully robust and ready to act as required of them whenever they are attacked. It is a policy that should be routinely instituted, despite the occasional challenge of political consideration because of the country of origin of particular erring contingents.
36. Enhanced cooperation between DPKO and TCCs/police-contributing countries (PCCs) on the RoE and quality of contingent-owned equipment (COE) to ensure their conformity with existing UN standards. This remains a major challenge, particularly the quality of the COE for which the UN reimburses TCCs and PCCs. The UN should not compromise on this important element of peacekeeping operations, despite the difficulties of force generation.
37. Contingents' greater engagement with host communities through 'hearts and minds' projects to enhance early warning. This practice, which some contingents have adopted, has been found to be useful, particularly in obtaining early warning information on impending or likely attacks and ambushes. Contingents should be encouraged to utilize this useful practice and be assisted to do so (for example, through quick-impact projects for such purposes).
38. While naming and shaming might not be a feasible option at the current time (given the difficulties of force generation), innovative options should be considered to recognize performing contingents in order to encourage others. Perhaps the UN should review its force-generation policy in favour of quality rather than quantity.
39. A major challenge has also been the issue of command and control, whereby contingent commanders follow instructions from their countries' capitals rather than those given by the mission's force commander. TCCs need to be made aware of the implications of this for the performance, safety, and effectiveness, not only of their own troops, but also of the entire mission.
40. Many missions continue to receive bad publicity due to attacks on their troops and the resulting loss of weapons. Very little is known or heard when missions repel such attacks robustly in self-defence or when protecting civilians under imminent danger, however. It is therefore necessary for missions to have a proactive public information strategy to enable them to 'tell their own stories'. UNAMID has consistently received bad press, for example, both locally and inter-

nationally, to the extent that at one point it was perceived as the worst-managed peacekeeping operation globally, perhaps because of its hybrid nature. This was at a time when reports of worse atrocities and failures by other missions were swept under the carpet and deliberately under-reported.

41. For instance, while UNAMID only established area security close to its team sites and locations, and protection of civilians sites was never established in Darfur for civilians fleeing from imminent threat of attack, it is to the mission's (and the GoS's) credit that there was never an attack on civilians under its direct watch, as happened in other missions. Yet the local and international media never gave this achievement adequate publicity. Current and new missions need to take a cue from this and aggressively tell their own stories, both within and outside their areas of operation, in order to be objectively judged and assessed.
42. To conclude, attacks on peacekeepers and substantial losses of weapons and equipment are real and pervasive occurrences across peacekeeping operations. They should be taken very seriously: efforts should continue to develop, and policies that urgently and adequately address related challenges should be implemented. The time to start is *now*.